

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**AEL FINANCIAL, LLC, an Illinois
limited liability company,**

Plaintiff,

v.

**CITY AUTO PARTS OF DURHAM, INC.
D/B/A CITY AUTO SALVAGE CITY,
a North Carolina corporation,
JOSEPH R. GUARGLIA, SR. and
JOSEPH R. GUARGLIA, JR.,**

Defendants.

Case No. 08-cv-3490

**Judge Dow, Jr.
Magistrate Judge Mason**

**DEFENDANTS' UNCONTESTED MOTION
TO CONTINUE THE INITIAL STATUS HEARING**

NOW COME Defendants City Auto Parts of Durham, Inc., Joseph R. Guariglia, Sr., and Joseph R. Guariglia, Jr., by and through the undersigned counsel, and hereby move the Court to issue an Order continuing the initial status hearing from September 2, 2008 to either September 9, 10, 11, or 16, 2008, in the event that the Uncontested Motion by Defendants to Excuse Lead Counsel from Appearing at the Initial Status Hearing [DE 16] is denied. In support of this Motion, Defendants show as follows:

1. The initial status hearing is scheduled to occur on September 2, 2008 at 9:00 a.m.
2. Defendants' lead counsel, Carlos E. Mahoney is scheduled to be out of the country on a vacation with his wife from August 29, 2008 through September 6, 2008. Mr. Mahoney's vacation was arranged in January, 2008.

3. Mr. Mahoney can appear in court on either September 9, 10, 11, or 16 for the status conference if his physical presence is required.

4. Counsel for Plaintiff does not object to this Motion.

WHEREFORE, in the event that the Court denies the Uncontested Motion by Defendants to Excuse Lead Counsel from Appearing at the Initial Status Hearing, Defendants request that the Court issue an Order continuing the initial status hearing from September 2, 2008 to either September 9, 10, 11, or 16, 2008, and granting such further relief as may be just and proper.

This the 21st day of August, 2008.

/s/ Carlos E. Mahoney
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Local Counsel for Defendants

CERTIFICATE OF SERVICE

I, Carlos E. Mahoney, hereby certify that on August 21, 2008, I electronically filed the foregoing document entitled, **Defendants' Uncontested Motion to Continue the Initial Status Hearing**, with the Clerk of Court for the Northern District of Illinois using the CM/ECF system which will send notification of the filing to all attorneys in this action.

Respectfully submitted,

/s/ Carlos E. Mahoney_____

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